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Supreme Court, U.S.
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In The

Supreme Court of the United States

IRVIN HANNIS CATLETT, JR.,
Petitioner,

v.

STATE OF MARYLAND
Respondent.

Petition for Writ of Certiorari
To The Court of Appeals
Of Maryland

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether Worcester County, Maryland Circuit Court Judge Thomas Groton III erred by dismissing petitioners Motion to Dismiss for violations of the Interstate Detainer Act, Speedy Trial Rights, Fifth, Sixth, Eighth and Fourteenth Amendments and do these violations trigger immediate appeal under the Cohen Abney Standard relying on the final judgement rules Collateral Order Exception outweighs the State's right against review before judgment and whether the removal of the Petitioner from the State of Maryland to Virginia prior to trying Petitioner on the underlying Maryland charges violated the Interstate Agreement of Detainer, the Sixth, Eighth and Fourteenth Amendments; and whether the Maryland Court of Special Appeals and the Maryland Court of Appeals erred by failing to reverse Judge Groton's order to dismiss Petitioner's Motion to Dismiss?

PARTIES

Comes now the Petitioner, Irvin Hannis Catlett, Jr., Pro Se, and seeks review of the Judgements from the Court of Appeals of Maryland, Petition Docket No. 56, September Term 2005, the Maryland Court of Special Appeals No. 2491, September Term 2004 and the Worcester County Maryland Circuit Court Case Number 23K-03-000090.

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OPINIONS BELOW

Copies of the Denial of the Petitioner's Motion for Reconsideration in the Court of Appeals of Maryland (APP.1), Maryland Court of Appeals denial of Petitioners, Petition for Writ of Certiorari (APP. 2), The Maryland Court of Special Appeals Dismissal of Appeals (APP. 3); And, the Docket entries depicting Worcester County Circuit Court denying of Petitioners Motion to Dismiss below; whose judgements are sought to be reviewed and attached hereto.

STATEMENT ON THE GROUNDS ENVOKING THE JURISDICTION OF THIS COURT

Judgment in this case was entered by the Maryland Court of Appeals on June 10th, 2005.

Petitioner's Motion for Reconsideration was denied on August 12th, 2005.

This Petition for Writ of Certiorari is filed within ninety (90) days of that date. The Court's jurisdiction is invoked under Title 28 USC 1257.

CONSTITUTIONAL PROVISIONS INVOLVED

The applicable provisions of the Constitution of the United States are Amendments Five, Six, Eight and Fourteen (5, 6, 8, and 14).

AMENDMENT 5

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or navel forces, or in the Militia, when in actual service in time of War or public danger; nor shall nay person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

AMENDMENT 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trail, by an impartial jury of the State and district wherein the

crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 14
Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On December 20th, 2002, Petitioner was arrested at the Montgomery County Detention Center for the aforementioned charges via a Criminal Summons.

Petitioner was held at the Montgomery Detention Center pursuant to a Virginia Extradition proceeding.

On January 2nd, 2003, Petitioner filed a Motion to Dismiss and on January 17th, 2003, petitioner was brought via Writ from Montgomery County for a preliminary appearance in the Worcester County District Court.

During that hearing, Petitioner emphatically entered his appearance Pro Se. Petitioner also asked for a jury trial. After the hearing, Petitioner was returned to the Montgomery County Detention Center.

On January 23rd, 2003, the case was forwarded to the Worcester County Circuit Court.

On January 29th, 2003, the Clerk of the Circuit Court mailed a Notice of Trial to the incarcerated Petitioner's old address.

On February 19th, 2003, the Circuit Court issued a bench warrant for the un-notified and in custody in Montgomery County Maryland, Petitioner for failure to appear.

Additionally the Court ordered Petitioner recognizance be revoked and set bond at Thirty Five Thousand Dollars ($35,000.00)

On March 31st, 2003, Worcester County issued a detainer to Petitioner at The Montgomery County Detention Center for a separate case number 24-K-0000819 charging one count of theft over Three Hundred Dollars ($300.00).

On April 15th, 2003, the matter was called again and the Court continued the bench warrant, on the December 20th, 2003 Criminal Summons.

On May 16th, 2003, the Petitioner forwarded a request to the Warden of Montgomery County Correctional Facility for a disposition of all outstanding charges.

On May 20th, 2003, Petitioner was extradited to Virginia to the Arlington County Detention Center at which time Petitioner requested a disposition of all charges from the Virginia Authorities.

On June 12th, 2003, Petitioner was transferred to Peumansend Creek Regional Jail in Bowling Green, Virginia and remained there until January 29th, 2004.

On January 29th, 2004, Petitioner was transferred to the DOC facility at Pouhattan, Virginia, and on February 4th, 2004, Worcester County Maryland lodged a detainer against the

Petitioner for failing to appear at the aforementioned February 19th, 2003 action of the Worcester County Circuit Court. Be it remembered that the FTA was erroneous.

On July 26th, 2004, Petitioner was released on Parole and as a condition, forced to agree to waive extradition to Virginia and agreed to One (1) year of Parole because of the erroneous charges in Maryland on the Bench Warrant.

The aforementioned erroneous bench warrant created the detainer and the basis of the extradition.

The Virginia authorities did not address the March 31st, 2003 detainer. In fact Petitioner made the Maryland authorities aware of the buried outstanding warrant issued in case number 24-K-0000819 and for Petitioner's honesty concerning the buried outstanding warrant Petitioner was rewarded with an exhorbinant bail of Twenty Five Thousand Dollars ($25,000.00) on the charge of Theft over $300.00. A cnarge that usually commanded personal recognizance.

The warrant for extradition was based on broken terms of bail probation or parole in Maryland.